

### **REMARKS**

Reconsideration of this application, as presently amended, is respectfully requested. Claims 1-16 and 18-27 are pending in this application, claim 17 having been cancelled and new claim 27 having been added by the present Amendment. Claims 1-16, 18, 19 and 21-26 stand rejected. Claims 17 and 20 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Claim 16 has been amended to include the features of objected-to claim 17 to place claim 16 in condition for allowance. Claims 18-21 depend from claim 16 and are also in condition for allowance by virtue of their dependency thereon.

### **Claim Objections**

Claims 4 and 6 were objected to for informalities. More specifically, the Examiner asserts that "a" should be --the-- in line 3 of each of claims 4 and 6. Claims 4 and 6 have been amended to obviate this objection by removing the language that was objected to.

Withdrawal of the objection to the claims is respectfully requested.

### **Claim Rejections – 35 U.S.C. §102**

*Claims 1, 3, 13-15 and 22-26 are rejected under 35 U.S.C. §102(e) as being unpatentable over Kim (US Patent Application Publication No.2005/0160453).*

It is respectfully submitted that the rejection in view of **Kim** is improper and should be withdrawn because the **Kim** reference is not effective prior art against the present application. More specifically, the effective date of the **Kim** reference is its filing date, December 21, 2004. However, the filing date of the present application is February 24, 2004, which is prior to the effective date of the **Kim** reference.

Therefore, the rejection in view of the **Kim** reference should be withdrawn because **Kim** is not an effective prior art reference.

Claim 25

It is noted that claim 25 was only rejected in view of **Kim**, but has *not* been rejected in view of **Hayes et al.** Therefore, because **Kim** is not an effective prior art reference, it is respectfully submitted that claim 25 should be indicated allowable. Further, it is noted that claim 25, which depends from claim 22, recites the same subject matter as allowable claim 20 (i.e., “the channel setting information includes information showing whether the broadcasting is analog broadcasting or digital broadcasting with respect to a preset number”). Therefore, claim 25 should be allowable for the same reasons as claim 20.

Claims 1-16, 18, 19, 21-24 and 26 are rejected under 35 U.S.C. §102(b) as being anticipated by **Hayes et al.** (U.S. Patent Application Publication No. 2001/0008432).

Initially, it is noted that it is unclear regarding what elements of the **Hayes** reference the Examiner considers to correspond to the elements recited in the claims. For example, the

Examiner cites “storage 255” and “controller 270” (see page 3, Item 4 of the Office Action). However, the elements 255 and 270 *do not exist* in the **Hayes et al.** reference. These cited elements appear to be taken from the **Kim** reference (see page 3, lines 1-4 Of the Office Action), and, in fact, in the rejection in view of **Hayes**, the Office Action appears to copy the same paragraph used in the rejection in view of **Kim**.

In view of the uncertainty regarding the elements from the **Hayes** reference that correspond to the claimed elements, the **Hayes** reference will be analyzed according to the elements that are believed to correspond most closely to the claims.

The **Hayes et al.** reference discloses a user-configurable universal remote control having its device codes, that is, the set of code data needed to operate various electronic devices, supplied from a releasable readable media storage device, such as a smart card. See, e.g., paragraph [0004]. In a preferred embodiment, the universal remote controller is sold to a user “empty” of code data needed to configure the user’s television, VCR, cable box, etc., and the user can purchase smart cards that contain the sets of code data necessary to configure remote controller to operate all of the devices a user wishes to operate. See, e.g., paragraph [0012].

As shown, e.g., in Fig. 2, the remote controller 11 includes a connector 12 comprising a slot or port 14 for connecting a smart card 15. The code data is transferred from the smart card 15 to a non-volatile memory of the remote controller 11. See, e.g., paragraph [0036], lines 22-36.

The **Hayes et al.** reference also teaches that the remote controller can be used to control a television receiver and teaches that the smart card 15 may contain information to configure *channels* a user wishes to control (see, e.g., paragraphs [0028] and [0041]).

#### Claim 1

Claim 1 has been amended to recite “wherein the remote control signal for channel selection is a preset code corresponding to a channel selection button on the remote controller, and the channel selected by the preset code can be changed by reading new channel setting information and storing the new channel setting information in the nonvolatile memory of the broadcasting receiver.”

In accordance with the present invention, a code transmitted from the remote control in response to a channel selection button always remains the same (see, e.g., page 19, lines 3-8 of application specification). In accordance with the present invention, the same code generated by pressing a channel select button can select a different channel because the channel setting information can be changed (see page 19, lines 12-22).

In contrast, according to **Hayes et al.**, to select a different channel, the code generated in association with pressing a channel selection button has to be changed. The generated code is changed by inserting a smart card in the remote controller and reconfiguring the remote controller in **Hayes et al.** See, e.g., paragraphs [0004] and [0012].

The present invention does not have to reconfigure the remote controller to select a different channel. As noted on page 31, lines 14-16 of the present application, “channel selection

is possible even using a conventional remote controller which can transmit only a preset number.”

The above-noted amendment to claim 1 clarifies these differences between the present invention and **Hayes et al.** **Hayes et al.** does not disclose or suggest a system wherein the code generated by the pressing a channel selection button remains the same, and the channel selected by the pre-set code can be changed by reading in new channel setting information. More specifically, **Hayes et al.** does not disclose or suggest “wherein the remote control signal for channel selection is a preset code corresponding to a channel selection button on the remote controller, and the channel selected by the preset code can be changed by reading new channel setting information and storing the new channel selecting information in the nonvolatile memory of the broadcasting receiver,” as recited in claim 1.

#### Claims 4 and 6

Independent claims 4 and 6 relate to a *remote controller* for a broadcasting receiver. Claims 4 and 6 have been amended to recite “wherein the channel setting information is information corresponding to a preset code sent from the remote controller to the broadcasting receiver in response to pressing a channel selection button, and the preset code is made to correspond to different channel setting information by reading different channel setting information with the reader.”

The amendments to claims 4 and 6 clarify that the code sent from the remote controller to the broadcasting receiver (e.g., via IR) in response to pressing a channel selection button remains

the same, while the channel selected by the code can be changed based on the channel setting information (see discussion of claim 1 above for support for this amendment). In contrast, according to **Hayes**, a channel associated with a particular button on the remote controller is changed by changing the code generated by pressing a particular key by reconfiguring the remote using the smart card.

It is submitted that **Hayes et al.** does not disclose or suggest the features presently recited in claims 4 and 6.

#### Claim 13

Claim 13 has been amended in a manner similar to claims 4 and 6 to recite “wherein the remote control signal for channel selection is a preset code transmitted from the remote controller and the channel setting information transmitted from the remote controller is information corresponding to the preset code, and the channel to be selected is judged based on a correspondence between the preset code and the channel setting information.”

**Hayes et al.** does not disclose or suggest the a system wherein both a remote control signal for channel selection, which is preset code, and channel setting information are transmitted from a remote controller and a channel to be selected is judged based on a correspondence between the preset code and the channel setting information. **Hayes et al.** discloses transmitting only codes corresponding particular functions from the remote controller

It is submitted that claim 13 patentably distinguishes over the **Hayes et al.** reference for the reasons set forth above.

Claims 14, 16 and 22

Initially, claim 16 has been amended to include the features of allowable claim 17. Accordingly, claim 16 is in condition for allowance.

With respect to claim 14, claim 14 is directed to a broadcasting receiver having means for setting a channel to be received after release of a stand-by state on the basis of priority channel information included in channel setting information. It is submitted that **Hayes et al.** does not disclose or suggest the claimed “means for setting a channel to be received after release of a stand-by state on the basis of priority channel information included in channel setting information.” The Office Action does not point out where **Hayes et al.** discloses this feature, and applicants find no disclosure or suggestion of the feature of channel setting information including priority channel information in **Hayes et al.**

Further, with respect to independent claim 22, it is submitted that **Hayes** does not disclose or suggest the presently claimed features regarding “transmitting channel setting information”, “printing out received channel setting information by a printer,” “reading printed channel setting information by a reader of a broadcasting receiver,” and “storing read channel setting information in a memory of the broadcasting receiver.” At best, **Hayes et al.** discloses a remote that communicates via IR, but does not disclose the above-noted features regarding transmitting channel setting information, reading out the printed channel setting information, which is then read by a reader of a broadcasting receiver and stored.

In view of the foregoing, it is respectfully submitted that each of pending claims 1-16, 18, 19, 21-24 and 26 patentably distinguish over the **Hayes et al.** reference and define allowable subject matter.

#### **New Claim**

New claim 27 has been added by the present Amendment. New claim 27 recites a channel setting system comprising “a distributable information recording medium storing channel setting information for setting channels in a broadcasting receiver, the channel setting information being recorded in a state readable by any one of reading utilizing light, reading utilizing magnetism, and reading utilizing weak radio waves; and a reader to read the channel setting information using one of light, magnetism and weak radio waves.”

It is submitted that none of the cited prior art disclose or suggest a medium storing readable channel setting information that can be read by any one of light magnetism and weak radio waves. In the **Hayes et al.** device, the smart card is read electrically.

#### **CONCLUSION**

In view of the foregoing, it is submitted that all pending claims are in condition for allowance. A prompt and favorable reconsideration of the rejection and an indication of allowability of all pending claims are earnestly solicited.



Application No.: 10/784,794  
Art Unit: 2622

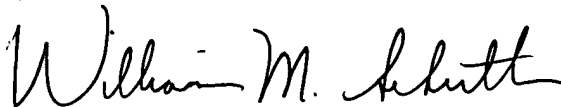
Amendment under 37 C.F.R. §1.111  
Attorney Docket No.: 042229

If the Examiner believes that there are issues remaining to be resolved in this application, the Examiner is invited to contact the undersigned attorney at the telephone number indicated below to arrange for an interview to expedite and complete prosecution of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**

A handwritten signature in black ink, appearing to read "William M. Schertler". The signature is fluid and cursive, with the first name "William" being the most prominent part.

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